

CALIFORNIA ENERGY COMMISSION

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March 30, 2005

Bernie Orozco, Director
Semptra Energy
San Diego Gas and Electric Company
925 L Street, Suite 650
Sacramento, CA 95814

DOCKET 04-IEP-1D	
DATE	MAR 30 2005
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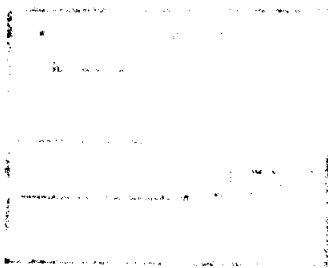
Dear Mr. Orozco:

Re: Application for Designation of Confidentiality Electricity Supply Forecast Data,
Docket No. 04-IEP-1D

On March 1, 2005, San Diego Gas and Electric Company (SDG&E) filed Electricity Supply Forecast Forms S-1, S-2, S-3, S-4, and S-5 for use in the Energy Commission's 2005 Energy Report proceeding. As part of that filing, SDG&E is seeking a designation of confidentiality for the above-referenced forms.

SDG&E's application for confidentiality (application) can be summarized as follows:

- **Form S-1: Capacity Resource Accounting Table.** This table shows detailed information laying out SDG&E's monthly dependable capacity needs for the next 10 years. This table, in combination with Form S-2, would provide a complete picture of SDG&E's procurement needs, dispatch practices and strategies, and proprietary business planning information. This table should be confidential for the forecast period (2006-2016). SDG&E also provided an additional form that SDG&E developed (Form S-6), which provides annual capacity data for the forecast period that can be made public immediately.
- **Form S-2: Energy Balance Accounting Table.** This table shows detailed information about SDG&E's monthly energy needs for the next 10 years. This table, in combination with Form S-1 would provide a complete picture of SDG&E's procurement needs, dispatch practices and strategies, and proprietary business planning information. This table should be confidential for the forecast period. SDG&E also provided an additional form that SDG&E developed (Form S-7), which provides annual energy values that can be made public immediately.
- **Form S-3: Generic Renewable Capacity and Energy Locations.** This table shows location specific renewable resource information, revealing among other details SDG&E's estimate of future specific resource acquisitions. This table should be confidential for the forecast period. The total annual renewable energy and capacity data were made public on Forms S-6 and S-7 that SDG&E provided.



- Form S-4: Projected QF Energy and Costs. This contract-specific information should be confidential for the forecast period.
- Form S-5: Bilateral Contracts. This bilateral contract information, because of the detail it demonstrates regarding SDG&E's procurement needs and supplies, should be confidential for the forecast period. Furthermore, most of these contracts require SDG&E to keep the information confidential pursuant to the terms of the contracts.

The California Public Records Act allows for non-disclosure of trade secrets (Gov. Code, § 6254(k), Evid. Code, § 1060). The California courts have traditionally used the following definition of trade secret:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it..." (*Unibe v. Howie* (1971) 19 Cal.App.3d 194, 207-208, 96 Cal. Rptr. 493, 500-501, from the Restatement of Torts, vol. 4, sec. 757, comment b, p. 5.)

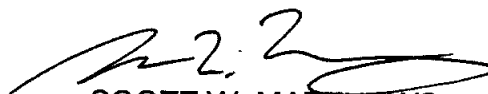
SDG&E's application of March 1, 2005, makes a reasonable argument under the Energy Commission's regulations for the Executive Director to classify some of the information contained in your application as confidential, since it could provide your competitors with a competitive advantage if made public. (Gov. Code, § 6254 (k); Cal. Code Regs., tit. 20, § 2505.) Accordingly, confidentiality will be granted as follows:

- Form S-1: Capacity Resource Accounting Table, described above. This table will be granted confidentiality for 3 years until the end of 2008, not for the longer period you requested because this planning data will become outdated.
- Form S-2: Energy Balance Accounting Table, described above. This table will be granted confidentiality for 3 years until the end of 2008, not for the longer period you requested because this planning data will become outdated.
- Form S-3: Generic Renewable Capacity and Energy Locations data, described above. This table will be granted confidentiality for 3 years until 2008, not for the longer period you requested because this planning data will become outdated.
- Form S-4: Projected QF Energy and Costs, described above. This table will be granted confidentiality until 2016.
- Form S-5: Bilateral Contracts, described above. Confidentiality will be granted until the end of 2016 or the end of the contract, whichever is later, even for those contracts which contain clauses specifying that the parties must maintain confidentiality indefinitely.

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The procedures and criteria for appealing this decision are set forth in the California Code of Regulations, title 20, section 2505. Be advised that an appeal of must be filed within 14 days from the date of my decision. If you have any further questions regarding this decision, please contact Thomas Glaviano, Staff Counsel, at (916) 651-8893.

Sincerely,



SCOTT W. MATTHEWS
Acting Executive Director

cc: Docket Unit

